

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

v.

15-CR-33-A  
**ORDER**

MARCEL WORTHY,

Defendant.

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On June 28, 2018, the Court sentenced the Defendant, Marcel Worthy, to an aggregate sentence of 240 months' imprisonment following his pleas of guilty to racketeering conspiracy involving murder and five kilograms or more of cocaine, in violation of 18 U.S.C. § 1962(d) and § 1963(a); and conspiracy to possess with intent to distribute, and to distribute, five kilograms or more of cocaine, in violation of 21 U.S.C. § 846, § 841(a)(1), and § 841(b)(1)(A).

The Defendant has since sent the Court a letter (Docket No. 422), which states, among other things, that the Defendant did not speak to his attorney regarding his sentencing memorandum until the day of sentencing, and that he was unaware until the day of sentencing that his Criminal History Category had been calculated to be level III, rather than level II. For these and other reasons—primarily the age and health of his grandmother—the Defendant asks that the Court “shave a few years” off of his sentence. *Id.* at 2. *See also id.* at 3.

As the Court stated at the time of sentencing, the Court is very sympathetic to the fact that the Defendant's grandmother is elderly, but the Court carefully considered this fact, among many others, at the time of sentencing. In any event, outside of a few narrow circumstances not present here, the Court “may not modify a term of imprisonment once

it has been imposed.” 18 U.S.C. § 3582(c). The Court therefore lacks authority to grant the Defendant’s request to lower his sentence. His motion seeking such relief is therefore denied.

**SO ORDERED.**

Dated: July 24, 2018  
Buffalo, New York

s/Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE